

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton;
Tony Hammond; and
Nanci E. Langley

Competitive Product Prices
Global Expedited Package Services 3 (MC2010-28)
Negotiated Service Agreement

Docket No. CP2013-68

NOTICE AND ORDER CONCERNING ADDITIONAL GLOBAL EXPEDITED
PACKAGE SERVICES 3 NEGOTIATED SERVICE AGREEMENT

(Issued June 18, 2013)

I. INTRODUCTION

On June 17, 2013, the Postal Service filed a notice stating that it has entered into an additional Global Expedited Package Services (GEPS) 3 negotiated service agreement (Agreement).¹ The Postal Service seeks inclusion of the Agreement within the GEPS 3 product. Notice at 2.

¹ Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, June 17, 2013 (Notice).

II. BACKGROUND

The Commission first approved the addition of GEPS 3 to the competitive product list as a result of consideration of Governors' Decision No. 08-7 in Docket No. CP2008-5.² The Commission later added GEPS 3 to the competitive product list and authorized that the agreement filed in Docket No. CP2010-71 serve as the baseline agreement for comparison of potentially functionally equivalent agreements.³

The Agreement is the successor to the agreement approved in Docket No. CP2012-31. *Id.* at 3. The Agreement is intended to take effect July 8, 2013, following the July 7, 2013 expiration of the current agreement.⁴ *Id.* It is set to expire 1 year after its effective date. *Id.* Attachment 1 at 7.

III. CONTENTS OF FILING

The Notice includes the following attachments:

- Attachment 1—a redacted copy of the Agreement;
- Attachment 2—a redacted copy of the certified statement required by 39 CFR 3015.5(c)(2);
- Attachment 3—a redacted copy of Governors' Decision No. 08-7, which establishes prices and classifications for Global Expedited Package Services Contracts; and
- Attachment 4—an application for non-public treatment of materials to be filed under seal.

² See Docket No. CP2008-5, Order No. 86, Order Concerning Global Expedited Package Services Contracts, June 27, 2008.

³ See Docket Nos. MC2010-28 and CP2010-71, Order No. 503, Order Approving Global Expedited Package Services 3 Negotiated Service Agreement, July 29, 2010.

⁴ Concurrently with this Order, the Commission is granting a brief extension of the Docket No. CP2012-31 agreement (from June 30, 2013 to July 7, 2013) as requested by the Postal Service in a Motion for Temporary Relief. See Docket No. CP2012-31, Motion of the United States Postal Service for Temporary Relief Concerning a Global Expedited Package Services 3 Negotiated Service Agreement, June 17, 2013.

Materials filed under seal include unredacted copies of the Agreement, the certified statement, and supporting financial workpapers. *Id.* Attachment 4 at 3. The Postal Service filed redacted versions of the financial workpapers as public Excel files.

In the Notice, the Postal Service asserts that the Agreement is functionally equivalent to the GEPS 3 baseline agreement, notwithstanding differences in two of the introductory paragraphs of the Agreement; revisions to several existing articles; and new, deleted, and renumbered articles. *Id.* at 3-7. The Postal Service states that these differences affect neither the fundamental service being offered under the Agreement nor the Agreement's fundamental structure. *Id.* at 7.

The Postal Service concludes that the Agreement is in compliance with the requirements of 39 U.S.C. 3633 and that the Agreement is functionally equivalent to the baseline agreement. *Id.* The Postal Service therefore requests that the Commission add the Agreement to the GEPS 3 product. *Id.*

IV. COMMISSION ACTION

The Commission establishes Docket No. CP2013-68 for consideration of matters raised by the Notice. Interested persons may submit comments on whether the Postal Service's filings are consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and subpart B of 39 CFR part 3020. Comments are due no later than June 25, 2013. The public portions of the Postal Service's filing can be accessed via the Commission's website, <http://www.prc.gov>. Information concerning access to non-public material is located in 39 CFR part 3007.

The Commission appoints Kenneth R. Moeller to serve as Public Representative in the above captioned proceeding.

It is ordered:

1. The Commission establishes Docket No. CP2013-68 for consideration of the matters raised by the Postal Service's Notice.
2. Comments by interested persons in this proceeding are due no later than June 25, 2013.
3. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.
4. The Secretary shall arrange for publication of this Order in the *Federal Register*.

By the Commission.

Shoshana M. Grove
Secretary